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In Propria Persona

**UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

TODD R. G. HILL, et al,

Plaintiffs

vs.

**THE BOARD OF DIRECTORS,
OFFICERS AND AGENTS AND
INDIVIDUALS OF THE PEOPLES
COLLEGE OF LAW, et al.,**

Defendants.

CIVIL ACTION NO. 2:23-cv-01298-JLS-BFM

The Hon. Josephine L. Staton
Courtroom 8A, 8th Floor

Magistrate Judge Brianna Fuller Mircheff
Courtroom 780, 7th Floor

**PLAINTIFF'S NOTICE OF PRESERVATION
UNDER LOCAL RULE 83-3 REGARDING
JUDICIAL CONDUCT IRREGULARITIES**

NO ORAL ARGUMENT REQUESTED

**PLAINTIFF'S NOTICE OF PRESERVATION UNDER LOCAL RULE 83-3 REGARDING JUDICIAL
CONDUCT IRREGULARITIES
CASE 2:23-CV-01298-JLS-BFM**

TABLE OF CONTENTS

I.	PROCEDURAL BACKGROUND AND CONSTRUCTIVE DENIAL	3
II.	APPARENT STRUCTURAL PREJUDICE AND DIMINISHED NEUTRALITY	4
III.	VIOLATION OF APPEARANCE OF FAIRNESS DOCTRINE (CANON 2, CODE OF CONDUCT FOR U.S. JUDGES)	5
IV.	SYSTEMIC PATTERN OF CONSTRUCTIVE DENIAL AND SELECTIVE RESPONSE ..	7
V.	CONTRASTING TREATMENT OF DEFENSE FILINGS VS. PLAINTIFF FILINGS	8
VI.	RE-ENGAGEMENT OF DISMISSED DEFENDANTS WITHOUT JUDICIAL GATEKEEPING	9
VII.	PROCEDURAL INVERSION AND ADVERSARIAL DISTORTION.....	9
VIII.	PLAINTIFF’S APPELLATE RIGHTS ARE BEING FRUSTRATED BY DELAY	11
IX.	PURPOSE OF THIS PRESERVATION NOTICE	11
X.	REQUEST FOR ADMINISTRATIVE ACKNOWLEDGMENT	12
XI.	CONCLUSION	12
	STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1	13
	Plaintiff’s Proof of Service	14
	Cases	
	<i>Caperton v. A.T. Massey Coal Co.</i> , 556 U.S. 868 (2009)	12
	<i>Mathews v. Eldridge</i> , 424 U.S. 319 (1976).....	5
	Statutes	
	28 U.S.C. § 1291	11
	28 U.S.C. § 1292(b)	11
	28 U.S.C. § 455(a)	4, 12
	Rules	
	Canon 2 of the Code of Conduct for United States Judges.....	6
	Fed. R. Civ. P. 15(a)(2)	5
	Fed. R. Civ. P. 54(b)	5
	Fed. R. Civ. P. 60(b)	12
	Federal Rule of Evidence 201	3
	Local Rule 83-3.....	11
	Rule 59(e).....	4
	Rule 60(b)	4

**PLAINTIFF'S NOTICE OF PRESERVATION UNDER LOCAL RULE 83-3 REGARDING
JUDICIAL CONDUCT IRREGULARITIES**

TO THE HONORABLE COURT AND ALL PARTIES OF RECORD:

Plaintiff Todd R.G. Hill respectfully submits this Notice under Local Rule 83-3 to preserve issues concerning ongoing judicial conduct irregularities materially affecting the integrity of these proceedings. This Notice is submitted in good faith and without prejudice to other remedies, including appellate relief or motions under Rule 60(b).

Local Rule 83-3 is not designed for accusation but correction. Its function is invoked when, as here, procedural parity appears compromised not by overt misconduct, but by sustained asymmetry. The Court's own docket is its clearest witness. A record that delays or evades ruling on ripe, dispositive motions while allowing dismissed defendants to re-engage without constraint demands administrative intervention. If this pattern is not redressed, the public perception of fairness, so essential to judicial legitimacy, will remain irreparably damaged.

I. PROCEDURAL BACKGROUND AND CONSTRUCTIVE DENIAL

Between October 2024 and June 2025, Plaintiff filed multiple motions under Federal Rule of Evidence 201 seeking judicial notice of adjudicative facts central to claims previously dismissed with prejudice. These filings include, but are not limited to, Dkts. 197, 199 (filed in 2024), and 241, 276, 279, 280, 298, 301, 326, and 329 (filed in 2025). As of this filing, not one of these motions has been expressly granted, denied, or appropriately acknowledged.

On June 30, 2025, Plaintiff submitted via EDSS (Tracking No. EDS-250630-002-1715) a Third Notice of Constructive Denial and Request for Clarification Regarding Unresolved FRE 201

**PLAINTIFF'S NOTICE OF PRESERVATION UNDER LOCAL RULE 83-3 REGARDING JUDICIAL
CONDUCT IRREGULARITIES**

CASE 2:23-CV-01298-JLS-BFM

1 Judicial Notice Motions. It was docketed Thursday, July 3, 2025, near the outer boundary of the
2 filing window, as Docket 342, without prior notice that it was “in process”.
3

4 This is no longer a matter of mere delay. The pattern now constitutes a constructive denial of
5 record-corrective requests, directly impairing Plaintiff’s rights under Rule 59(e) and Rule 60(b).
6 Procedural parity and adjudicative legitimacy are no longer tenable unless the record is corrected or
7 clarified because this asymmetrical pattern, in form if not intent, constitutes constructive denial,
8 violating both equal access principles and the perception of impartial adjudication required under 28
9 U.S.C. § 455(a).
10
11

12 **II. APPARENT STRUCTURAL PREJUDICE AND DIMINISHED NEUTRALITY**

13

14 The Court has allowed dispositive motions by Defendants to proceed to ruling, while
15 dispositive motions filed by Plaintiff, including Dkt. 197, Dkt. 199, and Dkt. 286, remain
16 unaddressed or are accompanied by procedural vagueness. This selectivity is not merely inefficient; it
17 has operated as a one-sided filter on the case’s progression. The Court’s refusal to timely or clearly
18 rule creates de facto denials insulated from review, thereby nullifying Plaintiff’s right to be heard.
19

20 For example, the dispositive order issued by the Court (Dkt. 312) did not address Plaintiff’s
21 ripe and pending FRE 201 submissions. Those filings contain judicial admissions, public records,
22 agency disclosures, and CPRA responses, factual material that bears directly on dispositive claims. In
23 this case, at least one specific filing was “withheld” from the record and was not docketed until after
24 repeated notices to the Court were filed by Plaintiff.
25

26 The Court’s silence on these motions, paired with its active issuance of rulings, suggests the
27 appearance of selective omission. That silence, if continued, risks impairing the perception of
28

1 neutrality. No rule authorizes a court to decline resolution of properly presented and ripe FRE 201
2 motions, particularly when their content speaks to material adjudicative facts.
3

4 Plaintiff submitted a Third Notice of Constructive Denial in light of the pending Rule 15(a)(2)
5 motion and the potential for review under Rule 54(b), respectfully requesting clarification as to
6 whether the Court intended to rule on the above-referenced FRE 201 motions, and whether any of
7 them were deemed denied by implication or omission.
8

9 The plaintiff respectfully notes that while the Court cited portions of these submissions, such
10 as governance admissions, CPRA-produced correspondence, and procedural irregularities, no formal,
11 clarifying, ruling granting or denying judicial notice of those materials has been entered. In light of
12 the pending Fed. R. Civ. P. 15(a)(2) motion and the potential for review under Fed. R. Civ. P. 54(b),
13 Plaintiff respectfully requests clarification as to whether the Court intends to issue specific dispositive
14 rulings on the above-referenced FRE 201 motions, and whether any of them are deemed denied by
15 implication or omission.
16

17
18 **III. VIOLATION OF APPEARANCE OF FAIRNESS DOCTRINE (CANON 2,
19 CODE OF CONDUCT FOR U.S. JUDGES)**

20 Even absent a finding of actual bias, the appearance of bias, compounded by repeated
21 omissions, requires redress. A reasonable observer reviewing this docket, the selective timing of
22 entries, and the unresolved record would question whether Plaintiff's filings are receiving equivalent
23 weight. That perception alone offends the constitutional guarantee of due process under *Mathews v.*
24 *Eldridge*, 424 U.S. 319 (1976), and credibly invokes Rule 83-3's protective function.
25

26 While direct evidence of actual bias may be elusive in this context, given it may often
27 accompany the design of sophisticated influence, the appearance of bias, when compounded by
28 repeated, strategically timed omissions, demands immediate and forceful redress. This is not merely a

1 matter of administrative oversight; it strikes at the very core of judicial integrity and constitutional
2 due process.
3

4 A reasonable observer, with no prior knowledge of this case but equipped with the capacity
5 for objective critical analysis, would, upon reviewing this docket, inevitably raise fundamental
6 questions. The selective timing of entries, particularly the multi-day delay in docketing a document
7 that explicitly *complains* about docketing delays, creates an undeniable perception. This perception is
8 that Plaintiff's filings are not receiving equivalent weight or impartial consideration. Such a
9 conclusion, even if based solely on outward appearances, is sufficient to erode public confidence in
10 the judicial process.
11

12 This scenario directly offends the appearance-of-fairness principle embedded in Canon 2 of
13 the Code of Conduct for United States Judges and the constitutional guarantee of due process as
14 articulated in *Mathews v. Eldridge*, 424 U.S. 319 (1976). While *Mathews* primarily concerns the
15 procedural safeguards required before deprivation of a property interest, its foundational principle is
16 the imperative for fairness in administrative processes. The appearance of selective processing, where
17 a party's vital motions remain unaddressed while others are acted upon, suggests a process that is not
18 "fundamentally fair". The absence of timely rulings on "critical filings, including requests for judicial
19 notice and motions with dispositive bearing", particularly when those motions are deemed
20 "procedurally ripe", implies a deprivation of the opportunity for a timely and equitable hearing.
21

22 The *Mathews* framework compels us to consider the risk of erroneous deprivation and the
23 value of additional safeguards. Here, the "risk of erroneous deprivation" is the denial of justice by
24 omission, and the "value of additional safeguards" is the immediate, transparent resolution of all
25 pending motions.
26
27
28

Furthermore, this pervasive appearance of bias directly invokes the protective function of Local Rule 83-3. The fundamental purpose of a Rule 83-3 notice is to address "administrative irregularity and procedural asymmetry". Rule 83-3 exists precisely for moments when the procedural machinery of the court, through its actions or inactions, creates a record that suggests an uneven playing field. The repeated, documented instances of "constructive denial" and "selective omission", including and culminating in the delayed docketing of the very document(s) asserting these issues, serves as irrefutable evidence that Rule 83-3's "protective function" is not merely activated, but necessitated. The Court's own docket, in this instance, is its most damning witness. To ignore these clear signals would be to tacitly endorse a system where the appearance of justice is secondary to administrative convenience, a position no Article III court can legitimately maintain.

IV. SYSTEMIC PATTERN OF CONSTRUCTIVE DENIAL AND SELECTIVE RESPONSE

A review of the docket from its inception through May 30, 2025, reveals a pattern of selective docketing behavior and prolonged silence on motions materially favorable to Plaintiff, particularly:

1. Docket 197 and 199 (FRE 201 Motions) filed on November 15, 2024, remained unruléd upon for over 7 months, despite their relevance to judicial admissions and procedural misconduct. The current ruling related to these filings allowed for inclusion "insofar" as it served to clarify Plaintiff's amended complaint, a standard so vague it fails to substantively inform.
2. Docket 286 (Rule 59(e) Motion) filed on May 1, 2025, which seeks reconsideration of orders dismissing key claims and parties, also, as State Bar has argued in its Docket 341, remains unresolved, while other motions filed afterwards have received expedited review and ruling.
3. Docket 264 (Supplemental Notice of Procedural Misconduct), submitted April 11, 2025, documented procedural noncompliance by Spiro and Haight. This filing was functionally

1 ignored by the Court, despite subsequent filings (Dkt. 266–273) benefiting Defendants being
2 acknowledged and ruled upon.
3

4 This selective response alters the adversarial posture of the case. Plaintiff’s substantive motions,
5 particularly those that would reopen claims, introduce dispositive evidence, or undermine prior
6 dismissals are met with procedural silence, while less impactful filings are rapidly docketed and
7 resolved. This gives rise to a credible perception of strategic delay and institutional partiality.
8

9 Notably, Plaintiff asserts that the **failure to respond to good faith notices** that raise due process
10 violations and docket inconsistencies is itself a form of constructive denial. It renders Plaintiff’s
11 procedural objections inert while shielding procedural irregularities from scrutiny.
12

13 **V. CONTRASTING TREATMENT OF DEFENSE FILINGS VS. PLAINTIFF** 14 **FILINGS**

15 Analysis of the docket shows a stark disparity in the Court’s treatment of filings by Plaintiff and
16 Defendants:
17

18 Plaintiff’s timely notices, including those asserting violations of Local Rule 7-3 and raising
19 claims of “constructive denial,” were either ignored or delayed, or worse, never acknowledged in
20 subsequent orders, including the May 27, 2025 ruling (Dkt. 312).
21

22 Meanwhile, Defendants’ Rule 12 motions, oppositions, and replies have consistently received:
23

- 24 a. Prompt docketing (typically within 1–2 days),
- 25 b. Orders issued well within normal decision timelines,
- 26 c. Deference to procedural arguments without similar scrutiny of their own procedural
27 defects (e.g., untimely reply briefs or ambiguous party standing).
28

This stark disparity further supports the appearance of bias, as protected under 28 U.S.C. §
455(a) and Canon 2 of the Code of Conduct for U.S. Judges. The perception that one side’s filings are

consistently deferred while the opposition's are honored undermines the perceived, requisite, neutrality of the forum.

VI. RE-ENGAGEMENT OF DISMISSED DEFENDANTS WITHOUT JUDICIAL GATEKEEPING

The State Bar Defendants, dismissed with prejudice in Dkt. 248, have re-engaged in opposition without seeking leave to intervene or reassert standing (see Docket 340 and 341), raising substantial Rule 83-3 concerns. By accepting this participation without procedural scrutiny, the Court risks endorsing informal influence by a party whose formal status is unresolved pending entry of judgment, in turn eroding adversarial parity and undermining judicial neutrality.

Plaintiff objected in Docket 340, which remains unresolved.

The Court's silence on this objection, while accepting the State Bar's opposition without comment, presents a posture that disrupts the neutrality of party alignment, creating a procedurally irregular landscape in which:

- a. Dismissed parties may selectively engage without scrutiny,
- b. Plaintiff's objections to this re-engagement are ignored or not timely addressed, and
- c. The adversarial balance is altered with no formal clarification by the Court.

Such conditions **violate fundamental due process** under the principles laid out in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), particularly the obligation to avoid situations "where a neutral and detached decisionmaker is required.

VII. PROCEDURAL INVERSION AND ADVERSARIAL DISTORTION

The Court's practices appear to have materially inverted the adversarial process. Where Plaintiff acts timely, the Court delays; where Defendants deflect or evade, the Court ignores and proceeds. This inversion of expectations is no longer theoretical; it is now manifest in the record and

PLAINTIFF'S NOTICE OF PRESERVATION UNDER LOCAL RULE 83-3 REGARDING JUDICIAL CONDUCT IRREGULARITIES

CASE 2:23-CV-01298-JLS-BFM

1 must be addressed. Rule 83-3 exists precisely to correct such procedural drift when it distorts litigant
2 parity.
3

4 Consider the following example of the pattern: where Plaintiff acts with demonstrable
5 timeliness and precision, the Court delays. His "Third Notice of Constructive Denial" (Dkt. 342) was
6 filed on June 30, 2025, documenting multiple unresolved motions, including critical FRE 201 judicial
7 notice requests and Dkt. 286. Notably, this filing was not docketed until July 3, 2025, *after* Plaintiff
8 had already filed a reply (dated July 2, 2025) explicitly noting its undocketed status. This is not mere
9 administrative lag; it is a pattern of omission that creates a visible chasm between Plaintiff's diligent
10 efforts to preserve the record and the Court's responsiveness.
11

12 Conversely, where Defendants deflect or evade, the Court appears to proceed, or at least
13 allows their actions to stand unchallenged. The State Bar Defendants, a party dismissed with
14 prejudice, actively oppose Plaintiff's motions (Dkt. 341) while simultaneously asserting that
15 "judgment has not yet been entered". Plaintiff has formally objected to this "improper re-
16 engagement" and "procedural overreach", arguing it "risks altering the adversarial posture and
17 procedural clarity of this litigation". Yet, this contradiction, which Plaintiff has repeatedly
18 highlighted as "strategically inconsistent and self-serving", has been allowed to persist without direct
19 judicial intervention.
20
21

22 This inversion of expectations is not a subtle undercurrent; it is a direct assault on litigant
23 parity. The very essence of the adversarial system relies on the assumption that both sides' filings and
24 arguments will receive equivalent attention and timely resolution. When one party's proactive efforts
25 are met with delay, while the other's procedurally dubious actions are permitted to influence the
26 docket, the fundamental balance is shattered. This creates an environment where the perceived
27
28

**PLAINTIFF'S NOTICE OF PRESERVATION UNDER LOCAL RULE 83-3 REGARDING JUDICIAL
CONDUCT IRREGULARITIES**

CASE 2:23-CV-01298-JLS-BFM

1 fairness of the proceedings is irrevocably compromised, fostering a sense that the scales of justice are
2 being tilted by administrative inertia or selective engagement.
3

4 It is precisely to correct such procedural drift that Local Rule 83-3 exists. This rule is not a
5 mere formality; it is a vital safeguard against the very distortions of litigant parity now manifest in
6 this case. When the procedural mechanism itself becomes a tool that disadvantages one party by
7 consistently delaying their efforts to bring critical issues to light, while implicitly accommodating the
8 other, Rule 83-3 is invoked. It empowers the Court to self-correct, to acknowledge the documented
9 inconsistencies, and to restore the integrity of the adversarial process before it devolves into a system
10 where procedural manipulation, rather than the merits of the case, dictates outcomes. The record, in
11 its current state, demands this corrective action.
12
13

14 **VIII. PLAINTIFF'S APPELLATE RIGHTS ARE BEING FRUSTRATED BY** 15 **DELAY**

16 The Court's sustained refusal to resolve dispositive motions deprives Plaintiff of a clean and
17 reviewable record. If a Rule 54(b) judgment is entered without resolving pending motions, appellate
18 review will be compromised. Rule 83-3 must be triggered now to preserve Plaintiff's appellate rights
19 under 28 U.S.C. § 1291 and 28 U.S.C. § 1292(b), and to prevent the appearance of engineered
20 ambiguity.
21

22 **IX. PURPOSE OF THIS PRESERVATION NOTICE**

23 Local Rule 83-3 provides a non-disruptive mechanism for preserving concerns about judicial
24 conduct, delay, or irregularity that may otherwise evade formal review. Plaintiff invokes this rule not
25 to provoke, but to record.
26

27 Plaintiff has not accused any specific individual of misconduct. However, the continued
28 failure to adjudicate FRE 201 motions while issuing dispositive rulings is now part of the record. In

**PLAINTIFF'S NOTICE OF PRESERVATION UNDER LOCAL RULE 83-3 REGARDING JUDICIAL
CONDUCT IRREGULARITIES**

CASE 2:23-CV-01298-JLS-BFM

1 light of relevant principles under *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), and 28
2 U.S.C. § 455(a), further silence could affect the appearance of fairness and due process.
3

4 Additionally, Plaintiff notes that Judge Cynthia Valenzuela previously recused herself from
5 this matter without explanation. That recusal, while not in itself determinative, adds contextual
6 weight to the need for transparency and consistency in the adjudication of unresolved procedural
7 motions.
8

9 For the avoidance of doubt, Plaintiff continues to preserve all appellate rights under Fed. R.
10 Civ. P. 59(e) and Fed. R. Civ. P. 60(b), and submits this notice solely to support an administratively
11 complete and procedurally transparent record.
12

13 **X. REQUEST FOR ADMINISTRATIVE ACKNOWLEDGMENT**

14 Plaintiff respectfully requests:

15 A. That the Court clarify the status of FRE 201 motions (Dkts. 197, 199, 241, 276, 279, 280,
16 298, 301, 326, 329);

17 B. That Plaintiff's filings be processed on equal footing with represented parties;

18 C. That any response or administrative update, if available, be issued no later than July 12,
19 2025.
20

21 This Notice shall be retained for record-preservation purposes and may be appended as a
22 reference in subsequent filings.
23

24 **XI. CONCLUSION**

25 In every courtroom, the foundation of public trust is not built on rulings alone, but on the
26 fairness of the process that produces them. A request unanswered, particularly when lawfully and
27 repeatedly raised, becomes more than an omission; it begins to shape the perception of intentional
28

1 imbalance. And when a party's voice is met with silence while others proceed uninterrupted, the
2 credibility of the forum itself is placed in doubt.
3

4 This Court retains full authority to resolve the record, to clarify the standing of each pending
5 motion, and to reinforce that this forum remains guided by even-handed principles. That choice, if
6 timely taken now, could affirm the procedural integrity of these proceedings and restore the
7 confidence that must accompany every act of adjudication.
8

9 This Notice does not accuse. It preserves. It reflects what remains open, unresolved, and in
10 need of attention in the hopes that the record will speak through response, not omission.
11

12 Respectfully submitted,
13

14 Dated: July 3, 2025
15

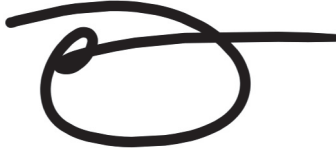
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19 **Todd R. G. Hill**
20 **Plaintiff, In Propria Persona**
21
22
23

24 **STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1**
25

26 The undersigned party certifies that this brief contains 2,800 words, which complies with the 7,000-
27 word limit of L.R. 11-6.1.

28 Respectfully submitted,



July 3, 2025

Todd R.G. Hill

Plaintiff, in Propria Persona

Plaintiff's Proof of Service

This section confirms that all necessary documents will be properly served pursuant to L.R. 5-3.2.1 Service. This document will be/has been electronically filed. The electronic filing of a document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court and (2) all pro se parties who have been granted leave to file documents electronically in the case pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P. 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.

Respectfully submitted,



July 3, 2025

Todd R.G. Hill

Plaintiff, in Propria Persona

**PLAINTIFF'S NOTICE OF PRESERVATION UNDER LOCAL RULE 83-3 REGARDING JUDICIAL
CONDUCT IRREGULARITIES**

CASE 2:23-CV-01298-JLS-BFM